

Message Text

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CORRECTED COPY (MUNICH ADDED AS ADDRESSEE; CORRECTION PARA 1.)

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TAGS: PGOV, BQG, AKB
SUBJECT: TRIAL OF 2 JUNE MOVEMENT TERRORISTS: THIRD AND
FOURTH WEEK

REF: (A) USBERLIN 0977, (B) USBERLIN 0917 (NOTAL), (C) USBERLIN 881

SUMMARY: LAST WEEKS OF TRIAL CONTINUED TO DEAL SLOWLY
WITH THE PROCEDURAL MANEUVERS OF THE DEFENSE AND THE ANTICS
OF THE DEFENDANTS. END SUMMARY.

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1. THE FIFTH AND SIXTH DAY (25 AND 26 APRIL) OF THE LORENZ-
VON DRENCKMANN TRIAL WERE CHARACTERIZED BY LENGTHY AND TIRESOME
DISCUSSIONS ON PROCEDURAL QUESTIONS. THE DISCUSSIONS CENTERED
ON THE COURT APPOINTED DEFENSE COUNSELS (PFLICHTBERTEIDIGER).
SINCE SOME OF THE PFLICHTVERTEIDIGER HAVE FINALLY REFUSED TO
REPRESENT THEIR CLIENTS AND NO LONGER APPEAR IN THE
COURT ROOM, THE PRESIDING JUDGE APPOINTED FOUR NEW

PFLICHTVERTEIDIGER STATING THAT HE INTENDS TO "FILL UP THE BENCH WHERE THE DEFENSE SITS UNTIL EACH ACCUSED HAS TWO PGLICHTVERTEIDIGER AND TWO SELF-CHOSEN DEFENSE COUNSELS (WAHLVERTEIDIGER)."

2. DURING THESE SESSIONS, THE ACCUSED ONCE AGAIN TRIED TO PREVENT THE COURT FROM PROCEEDING BY CRYING OUT, SHOUTING AT THEIR DEFENSE COUNSELS, AND OTHER DUBIOUS BEHAVIOR. DURING THE MORNING SESSION OF THE FIFTH DAY THREE OF THE DEFENDANTS WERE EXCLUDED FROM THE COURT ROOM; LATER ON THE REMAINING THREE BEHAVED SO BADLY THAT THEY ALSO HAD TO BE REMOVED. BEFORE THIS HAPPENED SOME OF THE AUDIENCE APPLAUDED THE ACCUSED'S INSULTING REMARKS; THE PRESIDING JUDGE ORDERED THEIR REMOVAL, AS WELL. THIS ACTION CAUSED A SCUFFLE BETWEEN EXCLUDED MEMBERS OF THE AUDIENCE AND THE GUARDS WHICH LED TO INJURIES ON BOTH SIDES.

3. AT THE SIXTH SESSION OF THE TRIAL ONE OF THE WAHLVERTEIDIGER HANDED IN A MOTION REQUESTING THE EXCLUSION OF THE PRESIDING JUDGE, GEUS, FROM THE TRIAL ON GROUNDS OF BIAS. THE REASON OFFERED FOR THIS MOTION IS AN ALLEGED "BEHIND THE SCENE ARRANGEMENT" BETWEEN THE FEDERAL ATTORNEY'S OFFICE AND THE BERLIN JUSTICE ADMINISTRATION WHICH GAVE GEUS THE POSITION OF PRESIDING JUDGE IN THIS TRIAL. ACCORDING TO THE GERMAN CODE ON CRIMINAL UNCLASSIFIED

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PROCEDURE THE JUDGE IN QUESTION CANNOT HIMSELF RULE ON SUCH A MOTION. ANOTHER COURT MUST HOLD A HEARING AND GIVE ITS DECISION. NONETHLESS, GEUS RETORTED IMMEDIATELY THAT HE HAD NEVER TALKED TO THE FEDERAL ATTORNEY ON THIS QUESTION, AND, IN FACT, THAT HE HAD NEVER MET THE FEDERAL ATTORNEY. THE DECISION WHETHER GEUS WOULD CONTINUE AS PRESIDING JUDGE WAS POSTPONED UNTIL THE NEXT SESSION.

4. THE SEVENTH SESSION (2 MAY) WAS MARKED BY NUMEROUS RECESSES. THE SESSION STARTED WITH THE READING OUT OF THE DECISION OF THE OTHER COURT TO WHICH THE WAHLVERTEIDIGER'S MOTION HAD BEEN REFERRED. THE MOTION TO REMOVE THE PRESIDING JUDGE FROM THE TRIAL WAS OVERRULED. TWO FURTHER MOTIONS OF THE SAME NATURE WERE FILED BY THE DEFENSE AND REJECTED AGAIN AFTER SOME HOURS OF CONSIDERATION. THE SEVENTH SESSION WAS HELD WITHOUT THE ACCUSED BEING PRESENT. TO PROTEST AGAINST THE VERY SHARP SECURITY MESASURES (E.G. BODILY SEARCH SEVERAL TIMES A DAY), THE ACCUSED HAD UN-DRESSED IN THE WAITING ROOM OUTSIDE THE COURT ROOM. THEREFORE, THE COURT EXCLUDED THEM FROM THE HEARING AND TRIED TO PROCEED WITHOUT THEM.

5. AT THE EIGHTH SESSION (3 MAY) NUMEROUS PROCEDURAL MOTIONS WERE FILED BY THE DEFENSE. THE 1ST PENAL SENATE REJECTED A FOURTH MOTION OF THE DEFENSE TO REMOVE THE PRESIDING JUDGE.

6. COMMENT: THE NEWSPAPER COMMENTS AFTER THE FIRST EIGHT SESSIONS OF THIS TRIAL UNANIMOUSLY STATE THAT THE ACTIVITIES OF THE ACCUSED AND THEIR WAHLVERTEIDIGER ARE DIRECTED AGAINST THE GOVERNMENT ITSELF IN THAT THEY WANT TO OBSTRUCT THE CONDUCT OF THE TRIAL AND THEREBY PROVE THE GERMAN LEGAL SYSTEM IS NOT ABLE TO COPE WITH TERRORIST TRIALS. GEORGE

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